



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/244,037 02/04/99 OSHIMA M 169/MU-1296/

WM51/1103

WENDEROTH LIND & PONACK
2033 K STREET NW
SUITE 800
WASHINGTON DC 20006

EXAMINER

LE, A

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 11/03/00

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TH

Office Action Summary

Application No.
09/244,037

Applicant(s)
Mitsuaki Oshima et al

Examiner
Amanda T. Le

Group Art Unit
2734



☒ Responsive to communication(s) filed on Sep 21, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 8, 10, 22, 23, and 25-28 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1, 8, 10, 22, and 23 is/are allowed.

☒ Claim(s) 25-28 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 13 and 15

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2634

Continued Prosecution Application

1. The request filed on 08/24/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/244,037 is acceptable and a CPA has been established. An action on the CPA follows.

2. Claims 1, 8, 10, 22, 23, 25-28 are pending.

3. Application is advised that a supplemental oath/declaration is needed for the changes set forth in the amendments. 37 CFR 1.175 (b) (1).

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Scarpa.

Scarpa's receiver (Fig. 1) teaches the following claimed subject matters: "receiving a transmission signal" (6, Abstract); "detecting interference" & "removing a carrier" (10, col. 5, lines 43-53).

Art Unit: 2634

Claim Rejections - 35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarpa.

Scarpa discloses all the subject matters claimed, as stated on paragraph 5 above, except for the limitation “n-level VSB modulation signal”. Nonetheless, using multilevel VSB modulation technique in HDTV transmission system is well known in the art at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement Scarpa’s receiver for receiving n-level VSB modulated signals.

Allowable Subject Matter

8. Claims 1, 8, 10, 22 and 23 are allowed.

Conclusion

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Art Unit: 2634

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6743, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Le, whose telephone number is (703) 305-4769.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin, can be reached on (703)305-4714.

October 27, 2000



Amanda T. Le
Primary Patent Examiner